

him ; so as to proceed with the case, and to obtain a final decree against all, if necessary, where there is a plurality of defendants. (o)

In regard to defendants who may be found within reach of the process of the court, it has been declared, that if a defendant, being of full age, and regularly summoned, shall neglect to appear at the return court, and shall stand out the process of attachment of contempt, and attachment with proclamation, without appearing and putting in a good and sufficient answer, by the fourth day of the term to which it is returnable, (p) the bill may be taken *pro confesso* ; or the defendant being, after appearance, brought into court for not answering, may, on motion, stand committed until discharged by further order ; (q) and if he does not put in a good and sufficient answer by the fourth day of the next court, the bill may be taken *pro confesso*. And if the defendant shall have further time granted him to answer, and he shall not put in a good and sufficient answer before the expiration of the time, the bill shall be taken *pro confesso*, without any further delay ; and in all such cases, such decree may be made thereon as may be deemed just ; or the Chancellor may order a commission for the plaintiff to examine witnesses, or may examine the plaintiff on interrogatories, to ascertain the allegations of his bill, and may decree as he shall think just. (r) That every defendant appearing at the return court of the *subpæna*, shall file a good and sufficient answer on or before the fourth day of the court, next following the return court ; and if, not having further time granted to answer, he shall omit to do so, he shall be in contempt, and the plaintiff may have an attachment of contempt ; and on that being returned *non est*, may have an attachment with proclamation against him ; and if he shall not file a good and sufficient answer by the return court, of the last mentioned process, the bill, unless farther time has been granted him to answer, shall be taken *pro confesso* ; and such decree made, as may be thought just ; and if such a defendant shall have farther time granted him to answer, and he shall not, before the expiration of such time, put in a good and sufficient answer, the bill shall be taken *pro confesso*, without further delay, and such decree made

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(o) 1785, ch. 72, s. 31 ; 1820, ch. 161 ; 1 Newl. Pra. Cha. 93 ; *Darwent v. Walton*, 2 Atk. 510 ; *Mayer v. Tyson*, 1 Bland, 560.—(p) Can a defendant after standing out this proces, be allowed, as of course, to come in, and demur or plead ? *Curzon v. De La Zouch*, 1 Swan, 193 ; *Cowell v. Seybrey*, 1 Bland, 18, note ; *Forum Rom.* 71.—(q.) *Man v. Parkinson*, 9 Mod. 266.—(r) 1785, ch. 72, s. 19.